

Bill No. 10-00  
Concerning: Collective Bargaining -  
Police - Sergeants  
Revised: 6-6-00 Draft No. 6  
Introduced: March 14, 2000  
Enacted: June 6, 2000  
Executive: June 19, 2000  
Effective: September 18, 2000  
Sunset Date: None  
Ch. 16, Laws of Mont. Co. 2000

## COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

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By: Councilmembers Berlage, Andrews, Leggett, Silverman, and Ewing

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**AN ACT** to:

- (1) bring police sergeants within the scope of collective bargaining;
- [[ (2) divide the police collective bargaining unit into two bargaining units; ]] [[ and ]]
- [[ (3) limit the scope of collective bargaining for members of the police sergeants bargaining unit; ] and
- [[ (4) ]] (2) generally amend the law regarding collective bargaining with County police officers.

By amending

Montgomery County Code  
Chapter 33, Personnel and Human Resource  
Sections 33-76, [[ and ]] 33-78, and 33-80

[[ By adding

Chapter 33, Personnel and Human Resource  
Section 33-78A ]]

<b>Boldface</b>	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

*The County Council for Montgomery County, Maryland approves the following Act:*

1           **Sec. 1. Sections 33-76, ~~[[and]] 33-78, and 33-80~~ are amended~~[[, and~~**  
 2   **Section 33-78A is added,]] as follows:**

3   **33-76.       Definitions.**

4           When used in this Article:

5   \*       \*       \*

6           *Certified representative* means an employee organization selected in  
 7   accordance with [the procedures of] this Chapter to represent [the] a unit.

8           *Employee* means any police officer [in the classification of] classified as a  
 9   sergeant, master police officer I, master police officer II, police officer I, police  
 10   officer II, police officer III, [and] or police officer candidate, or an equivalent  
 11   nonsupervisory classification[s], but not [those] a police officer in [the classification  
 12   of police sergeant or] any [equivalent or] higher classification. ~~[[*Employee does not*~~  
 13   include a sergeant whose primary duties involve human resources, internal affairs,  
 14   legal matters, labor relations, or policy development and compliance.]]

15          *Employer* means the County Executive and [his] the Executive's designees.

16   \*       \*       \*

17          *Unit* means [all employees] ~~[[either of the units defined in Section 33-78A]]~~ all  
 18   employees.

19   **33-78.       Employee rights.**

20   \*       \*       \*

(b) The employer [shall have the duty to] must extend to the certified representative the exclusive right to represent the employees [[in that bargaining unit]] for the purposes of collective bargaining, including the orderly processing and settlement of grievances as agreed by the parties.

(c) A certified representative [shall] must serve as the bargaining agent for all employees [[in the unit for which it is certified]] and [shall have the duty to] must represent fairly and without discrimination all employees [[in that unit]] without regard to whether the employees are [or are not] members of the employee organization, [or are paying] pay dues or other contributions to it, or [participating] participate in its affairs. [; provided, however, that it shall not be deemed] However, it is not a violation of this duty for a certified representative to seek enforcement of an agency shop provision in a valid collective bargaining agreement.

\* \* \*

**[[33-78A. Bargaining units.]]**

[[For purposes of certification and collective bargaining, employees subject to this Article must be divided into 2 bargaining units, composed of the following employees:

(1) sergeants;

(2) all other covered employees.]]

41 **33-80. Collective Bargaining.**

42 (a) **Duty to bargain; matters subject to bargaining.** [[Upon certification  
43 of an]] A certified employee organization[[, as provided in section 33-  
44 79,]] and the employer [[and the said certified representative shall have  
45 the duty, through their designees, to]] must bargain collectively [[with  
46 respect to those]] on the following subjects [[as follows]]:

47 \* \* \*

48 (7) The effect on employees of the employer's exercise of rights  
49 [[enumerated]] listed in subsection (b) [[hereof]][[, but this  
50 paragraph does not apply to the bargaining unit composed of  
51 sergeants]].

52 \* \* \*

53 *Approved:*

54	/S/	6/7/00
	Michael L. Subin, President, County Council	Date

55 *Approved:*

56	/S/	6/19/00
	Douglas M. Duncan, County Executive	Date

57 *This is a correct copy of Council action.*

58	/S/	6/19/00
	Mary A. Edgar, CMC, Clerk of the Council	Date